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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 JOHN HARDNEY,

10 Plaintiff,

No. CIV S-02-1518 FCD JFM P

11 vs.

12 T.L. ROSARIO, et al.,

13 Defendants.

ORDER

14 _____/
15 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
16 42 U.S.C. § 1983. On March 18, 2005, defendants filed an interlocutory appeal from the district
17 court's March 8, 2005 order denying their motion for summary judgment as to defendants T.L.
18 Rosario, S.J. Vance and Cheryl Pliler. The pendency of that appeal "divests the district court of
19 control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer
20 Discount Co., 459 U.S. 56, 58 (1982). Defendants' appeal involves core issues central to
21 resolution of the claims tendered in this action.

22 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

23 1. The parties are relieved of their obligation to file a pretrial statement pending
24 further order of court.

25 2. The pretrial conference on the papers, set before the undersigned for May 25,
26 2005, is vacated.

1 3. The jury trial set for September 13, 2005 before the Honorable Frank C.
2 Damrell is vacated.

3 4. The dates will be reset, if appropriate, following resolution of defendants'
4 appeal. Defendants shall notify the court within ten days from any ruling by the Ninth Circuit
5 Court of Appeals.

6 5. The Clerk of the Court is directed to administratively terminate this case as of
7 March 18, 2005.

8 DATED: May 4, 2005.

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11 UNITED STATES MAGISTRATE JUDGE

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